

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CESARIO VIZCARRA MEDINA,

Plaintiff,

v.

LUIS, *et al.*,

Defendants.

Case No. 1:22-cv-00764-KES-EPG (PC)

ORDER SETTING
SETTLEMENT CONFERENCE

AND

ORDER EXTENDING TIME TO FILE
DISPOSITIVE MOTIONS

Plaintiff Cesario Medina is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The Court has determined this case will benefit from a settlement conference. Therefore, it will be referred to Magistrate Judge Stanley A. Boone to conduct a **video settlement conference, via the Zoom videoconferencing application**, on March 13, 2025, at 9:00 a.m. The Court will issue any necessary transportation order in due course.

Counsel for Defendants shall contact Courtroom Deputy Jan Nguyen at (559) 499-5672 or jnguyen@caed.uscourts.gov for the video and dial-in information, including any necessary passcodes, for all parties. Counsel for Defendants is also required to arrange for Plaintiff's participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed and providing the necessary Zoom contact information.

1 The Court expects that the parties will proceed with the settlement conference in good
2 faith and attempt to resolve all or part of the case. If any party believes that the settlement
3 conference will not be productive, that party shall so inform the court as far in advance of the
4 settlement conference as possible.

5 The parties shall each submit to Judge Boone a confidential settlement conference
6 statement, as described below, to arrive at least seven days (one week) prior to the conference.

7 The Court puts the parties on notice that if Plaintiff has any outstanding criminal
8 restitution obligation, fines and/or penalties, these settlement negotiations shall not be geared
9 towards what the restitution obligation is, but what the value of the case itself is to each side,
10 irrespective of any outstanding restitution obligation.

11 In addition, the Court notes that according to the Scheduling Order issued on May 29,
12 2024 (ECF No. 59), the deadline for filing dispositive motions is February 28, 2025. To
13 accommodate parties' participation in this settlement conference, the Court extends this deadline
14 until **April 14, 2025**. All other provisions of the Scheduling Order remain in the effect.

15 Accordingly, **IT IS ORDERED** that:

- 16 1. The case is set for a **video** settlement conference, **via the Zoom videoconferencing**
17 **application**, before Magistrate Judge Stanley A. Boone on **March 13, 2025, at 9:00**
18 **a.m.**
- 19 2. A representative with full and unlimited authority to negotiate and enter into a
20 binding settlement shall attend **via the Zoom videoconferencing application**.
- 21 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
22 The failure or refusal of any counsel, party or authorized person subject to this order
23 to appear in person may result in the cancellation of the conference and the
24 imposition of sanctions. The manner and timing of Plaintiff's transportation to and
25 from the conference is within the discretion of CDCR.
- 26 4. Defendants shall provide a confidential settlement statement to the following email
27 address: **saborders@caed.uscourts.gov**. Plaintiff shall mail his confidential
28 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California
93721, "**Attention: Magistrate Judge Stanley A. Boone.**" The envelope shall be

marked “Confidential Settlement Statement.” Settlement statements shall arrive no later than **March 6, 2025**. Parties shall also file a Notice of Submission of Confidential Settlement Statement (See Local Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the Court **nor served on any other party**. Settlement statements shall be clearly marked “Confidential” with the date and time of the settlement conference indicated prominently thereon.

5. The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:
 - a. A brief statement of the facts of the case.
 - b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
 - c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
 - d. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
 - e. A brief statement of each party’s expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.
 - f. If parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.
6. If a settlement is reached at any point during this action, the parties shall file a Notice of Settlement in accordance with Local Rule 160.
7. **Defense counsel shall contact the Litigation Coordinator at the institution where Plaintiff is housed to determine whether the institution can accommodate a Zoom video appearance by Plaintiff at this date and time.**

1 8. The parties remain obligated to keep the Court informed of their current address at
2 all times while the action is pending. Any change of address must be reported
3 promptly to the Court in a separate document captioned for this case and entitled
4 “Notice of Change of Address.” *See* Local Rule 182(f).

5 9. **A failure to follow these procedures may result in the imposition of sanctions by**
6 **the court.**

7 10. Judge Boone or another representative from the court will be contacting the parties
8 either by telephone or in person, approximately two weeks prior to the settlement
9 conference, to ascertain each party’s expectations of the settlement conference.

10 11. The Clerk of the Court is directed to serve a copy of this order via fax on the
11 Litigation Office at California State Prison, Corcoran at (559) 992-7372 or via email.

12 And it is also further **ORDERED** that:

13 12. The dispositive motion deadline is extended until **April 14, 2025.**

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15 IT IS SO ORDERED.

16 Dated: **February 3, 2025**

17 /s/ Eric P. Shoup
18 UNITED STATES MAGISTRATE JUDGE
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